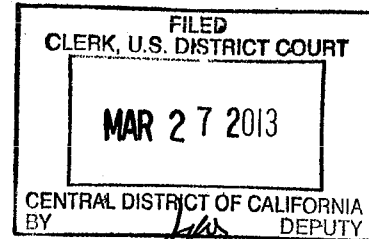


Patrick F. Bright (State Bar No. 68709)  
**WAGNER, ANDERSON & BRIGHT PC**  
3541 Ocean View Boulevard  
Glendale, California 91208  
Telephone: (818) 249-9300  
Facsimile: (818) 249-9335  
E-Mail: pbright@brightpatentlaw.com



*Attorneys for Plaintiff SmartMetric, Inc.*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SMARTMETRIC, INC.,

Plaintiff,

v.

MASTERCARD INTERNATIONAL  
INCORPORATED AND VISA INC.,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 11-CV-7126 MWF (AJWx)

SMARTMETRIC INC.'S MOTION TO  
FILE UNDER SEAL ITS MOTION FOR  
PARTIAL SUMMARY JUDGMENT OF  
INFRINGEMENT OF U.S. PATENT  
6,792,464 CLAIMS 1, 5-7, 11, AND 13,  
AND FOR DISMISSAL WITH  
PREJUDICE OF THE ANTICIPATION  
AFFIRMATIVE DEFENSE

Date: May 13, 2013

Time: 10:00 a. m.

Place: Court of District Judge Fitzgerald

FILED UNDER PROTECTIVE ORDER  
DOCKET #83

1  
2 Plaintiff Smartmetric, Inc. ("Plaintiff") moves this Court for an order for  
3 leave to file under protective seal its motion, under Rule 56(a), Fed. R. Civ. P., for  
4 partial summary judgment that Defendants' EMV systems literally infringe claims  
5 1, 5-7, 11 and 13 of Plaintiff's U. S. patent 6,792,464 (the "464 Patent") in suit,  
6 and to dismiss with prejudice Defendants' affirmative defense of anticipation.

7 In support of this motion, Plaintiff states as follows:


8 1. On February 8, 2013, the Court entered a protective order in this case. See  
9 Docket number 83. This order provides that motions including confidential or  
10 highly confidential documents must be filed under seal.

11 2. The captioned motion includes such documents, and some discussion of  
12 them. Plaintiff therefore seeks an order to file this motion under seal.

13 Dated: March 26, 2013

Respectfully submitted,

14 WAGNER, ANDERSON & BRIGHT, PC

15  
16 By:   
17 Patrick F. Bright (SBN 68709)  
18 3541 Ocean View, Blvd.  
19 Glendale, California 91208  
20 Telephone: (818) 249-9300  
21 Facsimile: (818) 249-9335

22 Attorneys for Plaintiff

23 SMARTMETRIC INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 27, 2013, a copy of the foregoing:

DECLARATION OF EDWARD L GUSSIN IN SUPPORT OF  
SMARTMETRIC'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF  
INFRINGEMENT AND FOR DISMISSAL WITH PREJUDICE OF THE  
ANTICIPATION DEFENSE;

SMARTMETRIC INC'S MOTION TO FILE UNDER SEAL ITS MOTION FOR  
PARTIAL SUMMARY JUDGMENT OF INFRINGEMENT OF U.S. PATENT  
6,792,464 CLAIMS 1, 5-7, 11, AND 13, AND FOR DISMISSAL WITH  
PREJUDICE OF THE ANTICIPATION AFFIRMATIVE DEFENSE;

MEMORANDUM IN SUPPORT OF PLAINTIFF SMARTMETRIC INC.  
MOTION FOR PATIAL SUMMARY JUDGMENT OF INFRINGEMENT OF  
U.S. PATENT 6,792,464 CLAIMS 1, 5-7, 11, AND 13, AND FOR DISMISSAL  
WITH PREJUDICE OF THE ANTICIPATION AFFIRMATIVE DEFENSE;

ORDER GRANTING SMARTMETRIC INC'S MOTION TO FILE UNDER  
SEAL ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF  
INFRINGEMENT OF U.S. PATENT 6,792,464 CLAIMS 1, 5-7, 11, AND 13,  
AND FOR DISMISSAL WITH PREJUDICE OF THE ANTICIPATION  
AFFIRMATIVE DEFENSE

was served via U.S. mail on the following:

Joseph Melnik (State Bar No. 255601)

jmelnik@jonesday.com

JONES DAY

1755 Embarcadero Road

Palo Alto, CA 94303

Telephone: (650) 739-3939

Facsimile: (650) 739-3900

Attorneys for Defendant

Visa Inc.

Gary A. Clark (State Bar No. 65455)

gclark@sheppardmullin.com

SHEPPARD MULLIN RICHTER & HAMPTON LLP

333 South Hope Street, 43rd Floor

Los Angeles, CA 90071

Telephone: (213) 620-1780

Facsimile: (213) 620-1398

Attorneys for Defendant

MasterCard International Inc.

Dated: March 27, 2013

/s/ Patrick F. Bright

Patrick F. Bright